THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 27975 of 2005

Dated: 18.01.2007

Between:

P.Mastan Kumar.

....
PETITIONER

AND

The Government of Andhra Pradesh, rep. by its Principal Secretary, Education Department, Secretariat, Hyderabad and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 27975 of 2005

Order:

This writ petition is filed seeking to declare the action of the 3rd respondent in rejecting the promotion of the petitioner to the post of B.Ed Assistant in General Schools from the post of Drawing Master, S.V.School for Deaf, vide proceedings dated 19.05.2005, as illegal and arbitrary, and consequently to direct the 3rd respondent to promote the petitioner as B.Ed Assistant from 19.12.2003, the date on which his juniors were promoted.

2. The petitioner is working as Drawing Master in Sri Venkateswara School for the Deaf & Dumb, Bhimavaram , which is under the management of Tirumala Tirupathi Devastanam. The petitioner states that the 3rd respondent-Executive Officer, who prepared a common seniority list for the promotion of candidates to the next higher post for the categories 1 to 11 of Class III as per note 7 of the statutory G.O.Ms.No.538, dated 20.11.1998, has not included his name in the seniority list though he has put in 18 years of service as on 19.12.2003, the date on which his

juniors were promoted. So, he made a representation dated 23.04.2005 to the

3rd respondent seeking promotion as Junior Lecturer, but the same was rejected by the 3rd respondent, vide proceedings dated 19.05.2005. Aggrieved by the same, the petitioner filed the present writ petition.

3. The 3rd respondent filed counter stating that as the petitioner is working as Drawing Teacher in Deaf School, which is a separate unit other than the TTD General Schools, as per the Board Resolution No.582 dated 24.10.1988, his name cannot be included in the list of secondary Grade Assistants of general schools contrary to the existing TTD Education Service Rules, and therefore, the petition is liable to be dismissed.

4. Initially when the writ petition came up for admission, the petitioner has not filed any material in support of his case, and after the matter underwent several adjournments, he filed additional material i.e., copy of memo dated 13.12.1991. Based on the said additional material, learned counsel for the petitioner contends that several other teachers, who were working as B.Ed Assistants in Deaf and Dumb Schools, were posted in General Schools, and therefore, the petitioner is also entitled to be posted as Junior Lecturer in General Schools.

5. Heard the learned counsel for the petitioner, learned Government Pleader for School Education and the learned counsel for the 3rd respondent.

6. A perusal of the memo dated 13.12.1991, produced by the petitioner, shows that the two teachers, who were working as B.Ed Assistants on deputation, were appointed on recruitment by transfer as Head Masters of S.V. School for Deaf. Apart from that, the impugned order clearly indicates that three S.V. Schools for the Deaf, under TTDs Management situated at Tirupati, Warangal and Bhimavaram, and TTDs General Schools are being treated as separate units, and the transfers or promotions among these two units cannot be taken up, *inter se*, and that though the petitioner possessed B.Ed Assistant (General Education) he cannot be promoted and posted to General Schools as B.Ed Assistant since he was appointed exclusively for the purpose of School for the Deaf only. The impugned order further shows that the petitioner was already drawing special promotion scale in the Drawing Master cadre of School for the Deaf basing on his acquisition of B.Ed (General) qualification, which is equivalent to B.Ed Assistant scale of pay. From the above, it is clear that since the petitioner was appointed exclusively for the purpose of School for the Deaf only, now he cannot be allowed to seek promotion or transfer to General Schools. In the circumstances, no exception can be taken to the action of the 3rd respondent in rejecting the request of the petitioner for promotion as B.Ed Assistant in General School.

7. The Writ Petition is devoid of merit and the same

is accordingly dismissed. No costs.

N.V. RAMANA, J.

Date:18.01.2007

sj/nsr